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In re Application of
Michel L. Cabiran
Application No. 09/970,350
Filed: October 3, 2001
Attorney Docket No. n/a
For: HIGH STRENGTH DETACHABLE
CYLINDER-TO-PLATE JOINT FOR
TABLES, FURNITURE, AND OTHER
STATIC STRUCTURES

DECISION OF PETITION
TO WITHDRAW THE
HOLDING OF ABANDONMENT


This is in response to applicant's petition under 37 C.F.R. 1.181 filed July 18, 2003 2001, requesting withdrawal of the holding of abandonment of this application.

The Petition is **GRANTED**.

A review of the file record indicates that the application was held abandoned for applicant's failure to timely respond to the restriction requirement mailed October 31, 2002.

In response to the restriction requirement, petitioner's transcript indicates that petitioner called the examiner in charge of the application on November 23, 2002, and orally elected species 1. Petitioner's transcript further indicates that the examiner accepted petitioner's oral election thus waiving the requirement under 37 C.F.R. § 1.2 that all business with the Patent Office should be conducted in writing. Although, there is no Interview Summary Record in the case, the examiner has stated that the conversation did take place as recorded in petitioner's transcript and that he should have acted on the case. Accordingly, the Notice of Abandonment was sent in error.

The holding of abandonment is hereby withdrawn. The application is being sent to the examiner in charge of the application for examination of the elected claims.


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